## Lib 1NC

### Libertarianism NC (Short)

#### In engaging in any activity, we can always ask why we engage in it. For example, if you’re playing chess I can ask why you moved the pawn forward one. If you give any answer other than “because I’m playing chess,” there’s regress because I can question your answer with another “why” to infinity. And, the constitutive feature of being an agent is rational reflection. To even question whether we want to be agents concedes the authority of agency because we’re reflecting on our desires. Thus, practical reflection is an inescapable aspect of agency. Next, rational reflection requires that the maxims we act upon be universalizable. Any reasoner would know that two plus two equals four because there is no a priori distinction between agents so norms must be universally valid. And- willing coercion is a contradiction in conception because you extend your own freedom while simultaneously undermining your ability to act in the first place.

#### Thus, the standard is respecting freedom. Prefer the standard: all frameworks presuppose liberty. People can only be held responsible for unethical actions if they chose to do them, but choice itself requires that people can pick which actions to take without threat of force. For example, if someone holds a gun to my head and makes me steal someone’s apple, I am not truly culpable because I wasn’t free.

#### Only freedom violations intrinsic to the structure of the action are relevant. Freedom is a property of agency, not a consequence. Adding two circles doesn’t make anything more circular than it was before, just like two humans aren’t freer than one human.

#### I contend prohibiting the production of nuclear power violates liberty. any object has an prima facie claim to be produced without restriction unless there is reason not to allow it. For example, if I pick up a stone I don’t need to give a comprehensive explanation of why I need it, it’s just within my rights. Thus, the aff has a proactive burden to prove why nuclear energy should be banned underneath the framework. This reason can’t be consequentialist – we can’t be culpable for consequences.

Hegel 20 George Wilhelm Friedrich Hegel The Philosophy of Right 1820

**The will has** before it **an outer reality**, upon which it operates. But to be able **to do this, it must have a representation of** this **reality**. True **responsibility** **is** **mine only** in **so far as the outer reality** **was within my consciousness**. The will, because this external matter is supplied to it, is finite; or rather because it is finite, the matter is supplied. When I think and will rationally, I am not at this standpoint of finitude, nor is the object I act upon something opposed to me. The finite always has limit and boundary. There stands opposed to me that which is other than I, something accidental and externally necessary; it may or may not fall into agreement with me. But I am only what relates to my freedom; and the act is the purport of my will only in so far as I am aware of it. Œdipus, who unwittingly slew his father, is not to be arraigned as a patricide. In the ancient laws, however, less value was attached to the subjective side of the act than is done to-day. Hence arose amongst the ancients asylums, where the fugitive from revenge might be received and protected. 118. **An act**, when it has become an external reality, and is connected with a varied outer necessity, has manifold consequences. These consequences, being the visible shape, whose soul is the end of action, belong to the act. But at the same time the inner act, **when realized** as an end **in the external world**, **is handed** over **to external forces, which attach** to it **something** quite **different from what it is in itself**, **and thus carry** it away into **strange** and **distant consequences. It is the right of the will to adopt only the first consequences, since they alone lie in the purpose.**

### Libertarianism NC (Long)

#### Practical reflection is an inescapable aspect of agency.

Ferrero Luca Ferrero (University of Wisconsin at Milwaukee) “Constitutivism and the Inescapability of Agency” Oxford Studies in Metaethics, vol. IV January 12th 2009 pp. 6-8 JW

3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on [ordinary enterprises] their justification while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whether she is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a manifestation of agency.14 Agency is not necessarily self-reflective but all instances of reflective assessment, including those directed at agency itself, fall under its jurisdiction; they are conducted in deference to the constitutive standards of agency. This kind of closure is unique to agency. What is at work in reflection is the distinctive operation of intentional agency in its discursive mode. What is at work is not simply the subjectʼs capacity to shape her conduct in response to reasons for action but also her capacity both to ask for these reasons and to give them. Hence, agencyʼs closure under reflective rational assessment is closure under agencyʼs own distinctive operation: Agency is closed under itself.15

#### Impacts:

#### A] Justifying a normative claim requires adherence to the norm of the constitutive rules of the activity. Answering the question of why an agent ought to take an action is impossible without practice rules since each link can be taken out with a “why” question-proving the aff framework collapses to infinite regress. Constitutivism solves because the answer to the question can just refer to the aim of the activity.

#### B] Aff framework devolves to the NC—to even reflect about the legitimacy of your standard concedes the authority of agency since it’s in every action.

#### Next, rational reflection requires that the maxims we act upon be universalizable. Any reasoner would know that two plus two equals four because there is no a priori distinction between agents so norms must be universally valid. And- willing coercion is a contradiction in conception because you extend your own freedom while simultaneously undermining your ability to act in the first place.

#### Thus, the standard is respecting freedom. Prefer the standard: all frameworks presuppose liberty. People can only be held responsible for unethical actions if they chose to do them, but choice itself requires that people can pick which actions to take without threat of force. For example, if someone holds a gun to my head and makes me steal someone’s apple, I am not truly culpable because I wasn’t free.

#### Impact analysis: only freedom violations intrinsic to the structure of the action are relevant. A) Freedom is a property of agency, not a consequence. Adding two circles doesn’t make anything more circular than it was before, just like two humans aren’t more free than one human. B) We can’t be culpable for consequences—they’re determined by external forces.

Hegel 20 George Wilhelm Friedrich Hegel The Philosophy of Right 1820

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#### I contend prohibiting the production of nuclear power violates liberty.

#### Nuclear energy doesn’t intrinsically interfere with anyone’s ends because it doesn’t involve force. It’s illegitimate to prohibit it.

Levendis et al 6 John Levendis (Dr. John V. Connor Professor in Economics and Finance Associate Professor of Economics at Loyola University New Orleans), Walter Block and Joseph Morrel “Nuclear Power” Journal of Business Ethics, Vol. 67, No. 1 (Aug., 2006), pp. 37-49

Let us make a more philosophical rebuttal to at the zoning challenge. Under the libertarian legal code (Kinsella, 1996; Rothbard, 1982), the only time force is justified is to respond to, or defend against, or punish, a prior use of force or threat. A zoning law forbidding the construction of a nuclear facility without prior approval would thus be illegitimate. The only situation under which such an edifice could be properly restrained before completion would be if it constituted a threat: a clear and present danger. But, given the exemplary record of this industry, even under government control, no rational court could make any such finding. A referee of this Journal asks "why can't nuclear plants constitute threats?" The essence of a threat is, well, to threaten someone if they do not do as you wish. For example, in robbery, extortion, the threat might be couched as follows: "if you do not give me money, you will be shot or your children kid napped." Setting up a nuclear generator, obviously, has nothing to do with anything even remotely connected to this. But there is a peripheral or extended meaning of threat (http://www.en.wiki pedia.org/wiki/Threat) that does encompass acting in a negligent manner, one likely to cause an accident. For example, Jones shoots high-powered arrows at a target set up on a tree on his own property. If he misses, the arrow will land on Smith's property, and, quite possibly, do great harm there. At first glance, nuclear power might well fall under this heading. After all, if one of these installations blows up, it is an extreme understatement to say that massive destruc tion will ensue. So, what is the record of this industry, even under (we contend inefficient) government control? Pretty good, actually. Perhaps that famous bumper sticker says it all: "More people died at Chappaquiddick than at Three Mile Island."15 An other consideration: if atomic generators are declared a "threat" and banned by law on that account, then so must the entire airline industry, which has killed far more non-passengers. We regard this as a reductio ad absurdum, as no one, no one, advocates grounding all planes for this or any other such reason.

#### AND: any object has an prima facie claim to be produced without restriction unless there is reason not to allow it. For example, if I pick up a stone I don’t need to give a comprehensive explanation of why I need it, it’s just within my rights. Thus, the neg has a proactive burden to prove why nuclear energy should be banned.

### Libertarianism CP

#### Counterplan: [the aff actor] will adopt the libertarian platform energy policy.

Libertarian Party Platform “Energy” The Libertarian Party Platform <http://www.dehnbase.org/lpus/library/platform/ene.html> JW

We oppose all government control of energy pricing, allocation, and production, such as that imposed by the Department of Energy, state public utility commissions, and state pro-rationing agencies. We oppose all government subsidies for energy research, development, and operation. We oppose all direct and indirect government participation in the nuclear energy industry, including subsidies, research and development funds, guaranteed loans, waste disposal subsidies, and federal uranium enrichment facilities. The Nuclear Regulatory Commission should be abolished; full liability -- not government agencies -- should regulate nuclear power. The Price-Anderson Act, through which the government limits liability for nuclear accidents and furnishes partial payment at taxpayer expense, should be repealed. Nuclear energy should be denationalized and the industry's assets transferred to the private sector. Any nuclear power industry must meet the test of a free market.

### Solvency

#### Nuclear energy is only cost effective when the government subsidizes it—the industry will die out without public funding.

Sovacool and Cooper 8 Benjamin Sovacool (Research Fellow in the Energy Governance Program at the Centre on Asia and Globaliaztion, part of the Lee Kuan Yew School of Public Policy at the National University of Singapore, adjunct professor at the Virginia Polytechnic Institute & State University) and Christopher Cooper (Principal Partner for Oomph Consulting, LLC, former Executive Director of the Network for New Energy Choices) “Nuclear Nonsense: Why Nuclear Power is No Answer to Climate Change and the World's Post- Kyoto Energy Challenges” William & Mary Environmental Law and Policy Review Volume 33 Issue 1 Article 2 2008 h p://scholarship.law.wm.edu/wmelpr/vol33/iss1/2 JW

Because of their capital intensity and financial risk, nuclear power plants are only cost competitive when they are underwritten with gargantuan public subsidies. Simply put, absent an enormous diversion of tax- payer funding, no rational investor would ever finance a nuclear power plant. As one economist put it, investing in nuclear power without the provision of government subsidies is about as useful as "watching a movie with the sound turned off."2' From 1947 to 1999, federal subsidies for nuclear power in the U.S. totaled "$145.4 billion (in 1999$... ), or more than 96 percent of cumulative Federal subsidies for wind, solar and nuclear power during this period."289 "Even in fiscal year 1979, when subsidies for renewable energy peaked in the U.S. at $1.5 billion,"29 ° the DOE devoted more than 58% of its R&D budget to nuclear power.291' The same is true globally, as nuclear power has received more public research funding than any other source since the 1970s.292 See Figure 3.

#### Ending government funding of nuclear plants leads to a nuclear phase out.

Bradford 13 Peter A. (adjunct professor at Vermont Law School, where he has taught “Nuclear Power and Public Policy.” From 1977 to 1982, he served on the US Nuclear Regulatory Commission, and he has chaired the utility regulatory commissions in Maine and New York. He advises and testifies on utility regulation and nuclear issues in the United States and elsewhere. He is vice chair of the board of the Union of Concerned Scientists.) “How to close the US nuclear industry: Do nothing” Bulletin of the Atomic Scientists 69(2) March 1st 2013 http://thebulletin.org/2013/march/how-close-us-nuclear-industry-do-nothing NP 8/14/16

Here’s what the US government must do to bring about a gradual phase-out of almost all US nuclear power plants: absolutely nothing. The United States is more or less on course to exit the commercial nuclear power industry, even if the country awakens to the dangers of climate change and adopts broad-based measures to favor low-carbon energy sources. Only a massive, government-driven infusion of taxpayer or customer dollars, targeted specifically to new nuclear reactors, will produce a different result. Dominion Resources Inc. recently announced that it will close the Kewaunee Power Station in Carlton, Wisconsin in 2013. The decision, said Dominion CEO Thomas Farrell, Òwas based purely on economicsÓ (Dominion Resources, 2012). With that announcement, the 30-year struggle between pronuclear prophets and market realities in the United States appears to be entering a new phase, one in which market forces challenge the economic viability even of existing nuclear plants, while making new reactors hopelessly unattractive as investments. The Kewaunee shutdown is not an anomaly. Duke Energy has announced that it will not restart the unit in Florida, closed since 2009 by construction errors. In late 2012, both the Exelon Corporation and Xcel Energy Inc. canceled plans to expand existing nuclear units, citing declining forecasts of demand for electricity and long-term forecasts of low natural gas prices (Meredith and Benedetto, 2012). In January 2013, industry analysts speculated that several other units might also close in the near future for economic reasons (Maloney et al., 2013). How could this possibly happen to an industry that was trumpeting a Ònuclear renaissanceÓ as recently as five years ago? Well, the nuclear renaissance was always ballyhoo; it was based on the number of reactors for which federal or state governments (or both) would conscript the necessary capital from captive taxpayers or customers, not the number that customers needed or that markets would fund. Absent an extremely large injection of government funding or further life extensions, the reactors currently operating are going to end their licensed lifetimes between now and the late 2050s. They will become part of an economics-driven US nuclear phase-out a couple of decades behind the government-led nuclear exit in Germany.

### Waste NB

#### Problems with waste happen because of the NRC – the government is the creator and regulator of nuclear waste.

Block et al 6 Walter Block, Joseph Morrel, John Levendis, “Nuclear Power,” *Journal of Business Ethics* Vol 67 No 1 August 2006, pp. 37-49 NP 8/25/16.

Does not this argue for more regulation? It cer tainly argues for some, but the salient point is, who is doing the regulating? The problem is that there is a conflict of interest when the government is both the creator and regulator of nuclear waste. This is why the Departments of Defense or Energy do not faU under the NRC s regulatory reach. The govern ment, in effect, has exempted itself from its own regulations, and has polluted in the process (DiLo renzo, 1990). If the government is to regulate itself, then we are right back where we started, with a conflict of interest. Under a system of private pro duction, firms are largely regulated by the safety concerns of their insurance companies (Hoppe, 2001). Why not by the safety concerns of the gov ernment? Because regulation from this source tends to be a one-size-fits-aU prescription, and changes in regulations are eas?y moved by poUtical digressions and fickle pubUc opinion. Private insurance com panies competing with each other for the nuclear industry's business have an interest in responsive regulation that at the same time minimizes risk. If no insurance companies are willing to bear the risk of a nuclear catastrophe, then to the market's best judg ment the expected costs outweigh the benefits (i.e. the risks are simply too high). This is a market signal for either (a) withdrawal from the industry, or (b) greater research into nuclear safety technology. Government has not aUowed individual owners of resources to determine how best to aUocate nuclear power in the framework of private property rights. In so doing, **the government directed the develop ment of nuclear technology by heavily regulating the industry.** These **regulations**, due to their specifics, **assume away any possibility of innovation**. A given technology was understood at the time the regula tions were drafted, and so forced nuclear advance ment into a given paradigm based on this antique technology. Only where entrepreneurs are limited by their own imagination in the aUocation of re sources to relieve scarcity can innovation truly occur in the field of nuclear power and aU others.

Turns case – the government will control the phase out of nuclear energy, and will thus fail to effectively regulate itself, meaning only the counterplan can resolve root of the problem – government involvement in the industry.

#### Only the NC recognizes the root of the waste problem – lack of respect for property rights. Decrease in government involvement solves.

Block et al 6 Walter Block, Joseph Morrel, John Levendis, “Nuclear Power,” *Journal of Business Ethics* Vol 67 No 1 August 2006, pp. 37-49 NP 8/25/16.

Nuclear waste and pollution A major challenge to nuclear power is what to do with the spent fuel. Government has socialized dis posal management services for the country, and atomic waste is no different. It is no surprise that the Hanford Nuclear Reservation, created as part of the Manhattan Project via government influence and involvement, "remains the nation's most contaminated site" (Dininny, 2004, p.l). The govern ment-run atomic programs remain the worst offenders in terms of radioactive pollution. There exists constant conflict between a government deciding where to exercise eminent domain in siting nuclear waste repositories and communities chant ing, "Not in my backyard!" How can we best address the NIMBY problem? In the case of radioactive waste storage and disposal, the "solution of the problem is to be found in a lack of clearly defined or enforced property rights" (Cordato, 2004). Communities protest the possible siting of atomic waste repositories nearby because this process involves the government asserting emi nent domain to acquire nearby property. In addi tion, the state will not be held accountable for any violations of private property by subatomic particles (i.e. pollution) on the persons or property of nearby individuals because the "rules of product liability are suspended when the end product comes into the hands of an instrumentality of the United States" (Murphy, 1961, p. 14). The obvious solution is then to take this service away from the government and put it in the hands of responsible individuals acting in their own self-interest, and therefore the benefit of all. The NIMBY problem will no longer exist when the lands of all those who may be affected by such sites are purchased by private enterprise, and when neighbors no longer have the right to deter mine what is done on nearby properties, absent clear and present danger of invasions or other such tres pass. he NIMBY problem can also be solved by a restrictive covenant, which is in effect the market's version of zoning. When a property owner sells his land, he can stipulate in the contract that the buyer gives up his right to use his land in a particular way, or to sell to a specific party. In this case, it could be stipulated that the new owners do not resell to a nuclear power plant. Of course, this would entail large transactions costs if 10,000 neighbors were asked to sign such an agreement. There would be balking, fussing, holding out, etc. However, if there were an initial single owner of a large plot of land, big enough to encompass the said 10,000 housing

#### Regulation by private enterprise solves waste – the market will ensure things end up in empty areas

Block et al 6 Walter Block, Joseph Morrel, John Levendis, “Nuclear Power,” *Journal of Business Ethics* Vol 67 No 1 August 2006, pp. 37-49 NP 8/25/16.

There need not be any fear that nuclear power stations would be located under free enterprise, cheek by jowl with high population concentrations. For one thing, insurance would be far more expensive. For another, so would real estate purchases. The zoning which is part and parcel of the free enterprise system (Siegan 1970, 1972) would thus tend to ensure that such facilities would be located in virtually empty locales. The market zones itself. Consider what it would cost to purchase on the free market enough space for a private garbage dump in Manhattan; or an automobile manufacturing plant there. These things do not occur in a free market because of the opportunity costs associated. To purchase land in Manhattan, or any such resi dential or business area, is far more costly than land in uninhabited, remote places.17 By and large, factories are found in the periphery. Only after they have been established do private individuals decide whether it is in their self-interest to build homes in the neighborhood. If people wish to buy land next to Yucca Mountain, we do not oppose this. This is not to deny, of course, the possibiUty that neighboring land-holders in these out of the way places might possibly suffer a loss in property values unrelated to intrusion by subatomic particles. Who, after aU, wants to be located next to a nuclear power plant? However, in the libertarian legal code, one does not own the value of one's property, only its physical integrity (Hoppe and Block, 2002). Thus, protests on NIMBY grounds for this reason would be ruled out of court.

### Environment NB

Empirics confirm. Environmental regulation that restricts property rights increases ecosystem destruction. **Adler 5** writes[[1]](#footnote-1)

Political opposition and grass-roots discontent were not the only consequences of extensive environmental land-use regulation. Over time, it also became clear that at least some environmental measures were not producing environmental gains sufficient to justify the burdens they placed upon landowners. Particularly in the case of the Endangered Species Act, conservationists began to observe that the regulations squeezing landowners were creating substantial economic incentives against the conservation of endangered species.164 **If costly** environmental **regulation is the consequence of owning land that** serves as habitat for endangered species or **performs a**nother **vital ecological function, landowners are less likely to** maintain their lands in such condition, and they are even less likely to **make environmental improvements**. In economic terms, such **stewardship** actions **will entail costs to the landowner with no reasonable** expectation of **future benefits**. Sam Hamilton, former Fish and Wildlife Service administrator for the state of Texas explained this more fully: “The incentives are wrong here. If I have a rare metal on my property, its value goes up. But if a rare bird occupies the land, its value disappears.”165 In other words, **by ignoring** the **economic incentives** created by restricting private property rights, **regulations designed to help endangered species were causing environmental harm**. Insofar as private landowners are threatened with the potential loss of the productive use of their land without compensation by environmental statutes, they will have an incentive not to provide whatever environmental amenity that the federal government is seeking to protect. Economists were the first to suggest that land-use regulation could have unintended consequences.166 Their theoretical predictions were quickly confirmed on the ground.167 For example, Ben Cone was the owner of over 7,000 acres of timberland in North Carolina.168 For years Cone sought to attract wildlife to his land. Through selective logging, long rotation cycles, and understory management, Cone created habitat for many species, including wild turkey, quail, black bear, and deer. Cone’s good land stewardship also provided habitat for the endangered redcockaded woodpecker. In response, the federal government placed over 1,000 acres of his land off limits to logging. The value of his land plummeted by over 95 percent – or some $2 million. This taught Cone a lesson: He should no longer manage his land in a way that attracts red-cockaded woodpeckers if he wants to be able to use it.169 Rather than allow trees to mature for at least 75 to 80 years before cutting them, as Cone used to, he began cutting them earlier, as red-cockaded woodpeckers prefer older stands. He also began to clear other parts of his property to ensure more woodpeckers would not arrive.170 Ben Cone is not the only landowner to respond to the incentives created by regulatory takings in this manner. In California’s Central Valley, farmers plowed fallow fields to destroy potential habitat and prevent the growth of vegetation that could attract endangered species.171 In the Pacific northwest, land-use restrictions imposed to protect the northern spotted owl scared private landowners enough that they “accelerated harvest rotations in an effort to avoid the regrowth of habitat that is usable by owls,” according to the Fish & Wildlife Service.172 In the Texas Hill Country, landowners razed hundreds of acres of juniper tree stands to prevent their occupation by golden-cheeked warblers after the bird was listed as endangered.173 Bob Stallman of the Texas Farm Bureau testified in 1995 that so long as the existing regulatory strictures remain in place, his members “are not going to want to work actively and openly to promote to propagate a species as long as there is that threat of future government intervention and regulation of the use of that land.”174 Operation Stronghold founder Dayton Hyde attests from personal experience that, even for those who wish to engage in habitat conservation on their own land, “It’s just plain easier and a lot safer to sterilize the land.”175 Even endangered plants have been victim to such “scorched earth” policies, though they are not subject to the same level of regulatory protection. When the Fish & Wildlife Service proposed listing the San Diego Mesa Mint as endangered, land containing the plant was bulldozed before the listing could take effect.176 Evidence of the ESA’s perverse incentives is no longer confined to such anecdotal accounts.177 More recent **empirical research confirms that** federal **land-use controls discourage conservation** on private land. Professors **Lueck and Michael report that forest owners respond to** the likelihood of **ESA regulation by harvesting timber and reducing the age at which timber is harvested**.178 Such preemptive habitat destruction could well “cause a long-run reduction in the habitat and population” of endangered species.179 In some instances, it is likely that the economic incentives created by the Act result in the *net loss* of species habitat. That is, in some cases the ESA may be responsible for more habitat loss than habitat protection.180 **A study in *Conservation Biology***further **reports that** just as many **landowners responded to** the **listing of Preble's meadow jumping mouse by destroying potential habitat** as undertook new conservation efforts.181 It also found a majority of landowners would not allow biologists on their land to assess mouse populations out of fear that land-use restrictions would follow the discovery of a mouse on their land.182

Violating property rights turns biodiversity loss. **Adler 5** writes[[2]](#footnote-2)

Economists were the first to suggest that land-use regulation could have unintended consequences. Their theoretical predictions were quickly confirmed on the ground.167 For example, Ben Cone was the owner of over 7,000 acres of timberland in North Carolina.168 For years Cone sought to attract wildlife to his land. Through selective logging, long rotation cycles, and understory management, Cone created habitat for many species, including wild turkey, quail, black bear, and deer. Cone’s good land stewardship also provided habitat for the endangered redcockaded woodpecker. In response, the federal government placed over 1,000 acres of his land off limits to logging. The value of his land plummeted by over 95 percent – or some $2 million. 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He also began to clear other parts of his property to ensure more woodpeckers would not arrive.170 Ben Cone is not the only landowner to respond to the incentives created by regulatory takings in this manner. **In California’s Central Valley, farmers plowed** fallow **fields to destroy potential habitat and** prevent the growth of **vegetation that could attract endangered species**.171 In the Pacific northwest, land-use restrictions imposed to protect the northern spotted owl scared private landowners enough that they “accelerated harvest rotations in an effort to avoid the regrowth of habitat that is usable by owls,” according to the Fish & Wildlife Service.172 In the Texas Hill Country, landowners razed hundreds of acres of juniper tree stands to prevent their occupation by golden-cheeked warblers after the bird was listed as endangered.173 Bob Stallman of the Texas Farm Bureau testified in 1995 that so long as the existing regulatory strictures remain in place, his members “are not going to want to work actively and openly to promote to propagate a species as long as there is that threat of future government intervention and regulation of the use of that land.”174 Operation Stronghold founder Dayton Hyde attests from personal experience that, **even for those who wish to engage in habitat conservation** on their own land**, “It’s** just plain **easier and** a lot **safer to sterilize the land.”**175 **Even endangered plants have been victim to** such **“scorched earth” policies**, though they are not subject to the same level of regulatory protection. 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That is, in some cases the ESA may be responsible for more habitat loss than habitat protection.180 A study in Conservation Biology further reports that just as many landowners responded to the listing of Preble's meadow jumping mouse by destroying potential habitat as undertook new conservation efforts.181 It also found a majority of landowners would not allow biologists on their land to assess mouse populations out of fear that land-use restrictions would follow the discovery of a mouse on their land.182 Insofar as ESA regulation discourages private land conservation it is undermining species conservation efforts. **The majority of endangered and threatened species depend on private land for some portion of their habitat**,183 so by discouraging private land conservation, the ESA could well have a devastating impact on species conservation efforts. Indeed, these “perverse incentives” may help explain the poor environmental performance of the ESA. Enacted in 1973 to save species from the brink of extinction, the ESA has hardly been a success. In over thirty years, fewer than forty of over 1,000 species have been delisted as endangered or threatened.184 In this time more species have been delisted either because they went extinct or because they never should have been listed as endangered in the first place than have been legitimately “recovered” due to the Act.185 While some species populations appear to have improved under the ESA, there is also a widespread recognition that wildlife species are doing worst on private land. IV. RECONCILING PROPERTY AND REGULATION The unintended consequences of land-use control slowly prompted a reevaluation of the role that private ownership has to play in environmental conservation, particularly in the context of the species conservation. Over 75 percent of those species currently listed under the ESA rely upon private land for some or all of their habitat, according to the General Accounting Office.186 Because of this, “**[n]o strategy to preserve** the nation’s overall **biodiversity can** hope to **succeed without** the **willing participation of private landowners**,” observes Conservation Fund president John Turner.187 As ecologist David Wilcove observed, the “greatest challenge facing the Endangered Species Act” is how to make private landowners “become more willing participants in the national effort to save endangered species.”188 Without private cooperation, environmental conservation efforts will be futile.189

#### Libertarianism solves the environment – governments the biggest polluter.

Ruwart no date Mary (author of Healing Our World: The Other Piece of the Puzzle, a liberty primer for liberals, Christians, New Agers, and pragmatists) “Environment: The Pollution Solution: Stopping the environment's worst enemy” Libertarian Party <https://www.lp.org/issues/environment> JW

Who's the greatest polluter of all? The oil companies? The chemical companies? The nuclear power plants? If you guessed "none of the above," you'd be correct. Our government, at the federal, state, and local levels, is the single greatest polluter in the land. In addition, our government doesn't even clean up its own garbage! In 1988, for example, the EPA demanded that the Departments of Energy and Defense clean up 17 of their weapons plants which were leaking radioactive and toxic chemicals -- enough contamination to cost $100 billion in clean-up costs over 50 years! The EPA was simply ignored. No bureaucrats went to jail or were sued for damages. Government departments have sovereign immunity. In 1984, a Utah court ruled that the U.S. military was negligent in its nuclear testing, causing serious health problems (e.g. death) for the people exposed to radioactive fallout. The Court of Appeals dismissed the claims of the victims, because government employees have sovereign immunity. Hooker Chemical begged the Niagara Falls School Board not to excavate the land where Hooker had safely stored toxic chemical waste. The school board ignored these warnings and taxpayers had to foot a $30 million relocation bill when health problems arose. The EPA filed suit, not against the reckless school board, but against Hooker Chemical! Government officials have sovereign immunity. Government, both federal and local, is the greatest single polluter in the U.S. This polluter literally gets away with murder because of sovereign immunity. Libertarians would make government as responsible for its actions as everyone else is expected to be. Libertarians would protect the environment by first abolishing sovereign immunity. By turning to government for environmental protection, we've placed the fox in charge of the hen house -- and a very large hen house it is! Governments, both federal and local, control over 40% of our country's land mass. Unfortunately, government's stewardship over our land is gradually destroying it. For example, the Bureau of Land Management controls an area almost twice the size of Texas, including nearly all of Alaska and Nevada. Much of this land is rented to ranchers for grazing cattle. Because ranchers are only renting the land, they have no incentive to take care of it. Not surprisingly, studies as early as 1925 indicated that cattle were twice as likely to die on public ranges and had half as many calves as animals grazing on private lands. Obviously, owners make better environmental guardians than renters. If the government sold its acreage to private ranchers, the new owners would make sure that they grazed the land sustainably to maximize profit and yield. Indeed, ownership of wildlife can literally save endangered species from extinction. Between 1979 and 1989, Kenya banned elephant hunting, yet the number of these noble beasts dropped from 65,000 to 19,000. In Zimbabwe during the same time period, however, elephants could be legally owned and sold. The number of elephants increased from 30,000 to 43,000 as their owners became fiercely protective of their "property." Poachers didn't have a chance! Similarly, commercialization of the buffalo saved it from extinction. We never worry about cattle becoming extinct, because their status as valuable "property" encourages their propagation. The second step libertarians would take to protect the environment and save endangered species would be to encourage private ownership of both land and animals. Environmentalists were once wary of private ownership, but now recognize that establishing the property rights of native people, for example, has become an effective strategy to save the rain forests. Do you remember the movie, Medicine Man, where scientist Sean Connery discovers a miracle drug in the rain forest ecology? Unfortunately, the life-saving compound is literally bulldozed under when the government turns the rain forest over to corporate interests. The natives that scientist Connery lives with are driven from their forest home. Their homesteading rights are simply ignored by their own government! Our own Native Americans were driven from their rightful lands as well. Similarly, our national forests are turned over to logging companies, just as the rain forests are. By 1985, the U.S. Forest Service had built 350,000 miles of logging roads with our tax dollars -- outstripping our interstate highway system by a factor of eight! In the meantime, hiking trails declined by 30%. Clearly, our government serves special interest groups instead of protecting our environmental heritage. Even our national parks are not immune from abuse. Yellowstone's Park Service once encouraged employees to trap predators (e.g., wolves, fox, etc.) so that the hoofed mammals favored by visitors would flourish. Not surprisingly, the ecological balance was upset. The larger elk drove out the deer and sheep, trampled the riverbanks, and destroyed beaver habitat. Without the beavers, the water fowl, mink, otter, and trout were threatened. Without the trout or the shrubs and berries that once lined the riverbanks, grizzlies began to endanger park visitors in their search for food. As a result, park officials had to remove the bears and have started bringing back the wolves. Wouldn't we be better served if naturalist organizations, such as the Audubon Society or Nature Conservancy, took over the management of our precious parks? The Audubon Society's Rainey Wildlife Sanctuary partially supports itself with natural gas wells operated in an ecologically sound manner. In addition to preserving the sensitive habitat, the Society shows how technology and ecology can co-exist peacefully and profitably. The environment would benefit immensely from the elimination of sovereign immunity coupled with the privatization of "land and beast." The third and final step in the libertarian program to save the environment is the use of restitution both as a deterrent and a restorative. Next month's column will feature the second part of the Pollution Solution, answering the question: "How would libertarians keep our air and water clean?"

## Framework Interaction

### Rule Util Turn

#### Act utilitarianism’s too messy—calculations take large amounts of time and require extensive information, calc can also get distorted by our personal interests and be too radical for us to completely implement. Prefer rule util since it establishes norms that if followed will tend towards positive utility without any of the harms of actual calculation. This means libertarianism – coercion’s the worst harm to happiness so the NC turns the aff.

Mill 63 John Stuart Mill Utilitarianism Chapter 2 1863 http://www.earlymoderntexts.com/pdfs/mill1863.pdf

‘What do you mean by “difference of quality in pleasures”? What, according to you, makes one pleasure more valuable than another, merely *as a pleasure*, if not its being greater in amount?’ There is only one possible answer to this. Pleasure P1 is more desirable than pleasure P2 if: all or almost all people who have had experience of both give a decided preference to, irrespective of any feeling that they *ought* to prefer it. **If those who are** competently **acquainted with both** these **pleasures place P[leasure] 1 so far above P[leasure] 2 that they** prefer it even when they know that a greater amount of discontent will come with it, and **wouldn’t give it [P1] up in exchange for any quantity of [P2]** that they are capable of having, **we are justified in ascribing to [P1] a superiority in quality that so greatly outweighs quantity as to make quantity** comparatively **negligible**. Now, it is an unquestionable fact that the way of life that employs the higher faculties is strongly preferred to the way of life that caters only to the lower ones who are equally acquainted with both and equally capable of appreciating and enjoying both. Few human creatures would agree to be changed into any of the lower animals in return for a promise of the fullest allowance of animal pleasures; **no intelligent human** being **would consent to be a fool**, no educated person would prefer to be an ignoramus, **no person of** feeling and **conscience would rather be** selfish and **base, even if** they were convinced that **the fool**, the dunce **or** the **rascal is better satisfied** with his life **than they are** with theirs. . . . If they ever think they *would*, it is only in cases of unhappiness so extreme that to escape from it they would exchange their situation for almost any other, however undesirable they may think the other to be. **Someone with higher faculties** requires more to make [them] happy, is probably capable of more acute suffering, and is certainly vulnerable to suffering at more points, than someone of an inferior type; but in spite of these drawbacks he **can’t** ever really **wish to sink into** what he feels to be **a lower grade of existence**. Explain this unwillingness how you please! **We may attribute it to** *pride*, a name that is given indiscriminately to some of the *most* and to some of the *least* admirable feelings of which human beings are capable; **the love of liberty and personal independence** (for the Stoics, that was one of the most effective means for getting people to value the higher pleasures); or the *love of power*, or the *love of excitement*, both of which really do play a part in it. But **the most appropriate label is a sense of dignity. All human** beings **have this** sense in one form or another, and how strongly a person has it is roughly proportional to how well endowed he is with the higher faculties. **In those who have a strong sense** of dignity, **their dignity is so essential** to their happiness that **they couldn’t want**, for more than a moment, **anything that conflicts with it. Anyone who thinks** that **this** preference **takes place at a sacrifice of happiness**—anyone who denies that the superior being is, other things being anywhere near equal, happier than the inferior one—**is confusing** two very different ideas, those of ***happiness* and** of ***contentment***. It is true of course that the being whose capacities of enjoyment are low has the greatest chance of having them fully satisfied and thus of being contented ; and a highly endowed being will always feel that any happiness that he can look for, given how the world is, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they won’t make him envy the person who isn’t conscious of the imperfections only because he has no sense of the good that those imperfections are imperfections *of* — for example, the person who isn’t bothered by the poor quality of the conducting because he doesn’t enjoy music anyway **It is better to be** a human being dissatisfied than a pig satisfied; better to be **Socrates dissatisfied than a fool satisfied.** And if the fool or the pig think otherwise, that is because they know only their own side of the question. The other party to the comparison knows both sides. ‘But **many people** who are capable of the higher pleasures do **sometimes**, under the influence of temptation, **give preference to** the **lower** ones.’ Yes, **but this is** quite **compatible with their** fully **appreciating the** intrinsic **superiority of the higher.** Men’s **infirmity of character often leads them to choose the nearer good over the** *more* **valuable one**; and they do this just as much when it’s a choice between two bodily pleasures as when it is between a bodily pleasure and a mental one. They pursue sensual pleasures at the expense of their health, though they are perfectly aware that health is the greater good, doing this because the sensual pleasures are *nearer*.

### Kinsella Add-On

#### Argumentative ethics – liberty is a priori justified by engaging in debate.

Kinsella Stephen (Center for the Study of Innovative Freedom) “New Rationalist Directions in Libertarian Rights Theory” Journal of Libertarian Studies Vol. 12 No. 2 pp. 313-26 Fall 1996 http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1018797

The first rationalist argument that I will discuss is Hans- Hermann Hoppe's path-breaking argumentation ethic. Professor Hoppe shows that basic rights are implied in the activity of argumentation itself, so that anyone asserting any claim about anything necessarily presupposes the validity of rights. Hoppe first notes that any truth at all (including norms such as individual rights to life, liberty and property) that one would wish to discuss, deny, or affirm, will be brought up in the course of an argumentation, that is to say, will be brought up in dialogue. If participants in argumentation necessarily accept particular truths, including norms, in order to engage in argumentation, they could never challenge these norms in an argument without thereby engaging in a performative contradiction. This would establish these norms as literally incontestable truths. Hoppe establishes self-ownership by pointing out that argumentation, as a form of action, implies the use of the scarce resources of one's body. One must have control over, or own, this scarce resource in order to engage in meaningful discourse. This is because argumentation is a conflict-free way of interacting, by its very nature, since it is an attempt to find what the truth is, to establish truth, to persuade or be persuaded by the force of words alone. If one is threatened into accepting the statements or truth-claims of another, this does not tend to get at the truth, which is undeniably a goal of argumentation or discourse. Thus, anyone engaging in argumentation implicitly presupposes the right of self-ownership of other participants in the argument, for otherwise the other would not be able to consider freely and accept or reject the proposed argument. Only as long as there is at least an implicit recognition of each individual's property right in his or her own body can true argumentation take place. When this right is not recognized, the activity is no longer argumentation, but threat, mere naked aggression, or plain physical fighting. Thus, anyone who denies that rights exist contradicts himself since, by his very engaging in the cooperative and conflict-free activity of argumentation, he necessarily recognizes the right of his listener to be free to listen, think, and decide. That is, any participant in discourse presupposes the non-aggression axiom, the libertarian view that one may not initiate force against others. Thus, Hoppe points out that anyone who would ever deny the ethics underlying the free market is already, by his very engaging in the civilized activity of discourse, presupposing the very ethics that [they are] he is challenging. This is a powerful argument because, instead of seeking to persuade someone to accept a new position, it points out to him a position that he already maintains, a position that he necessarily maintains. Thus, opponents of liberty undercut their own position as soon as they begin to state it.

### Gobsch Add-on

#### Contained in the idea of truth is universality and rejection of contradiction.

Gobsch Wolfram “The Original Infinitude of Thought” March 25th 2011 JW

That judgments are indeed unconditioned, is evident in the meaning of “true”. In many respects, our use of “true” resembles the use of other terms of appraisal for the perfection of the acts of some life- power, of perception, say. Truth, too, consists in the actuality of the content of the representation whose internal end it is: just like, from, say, “S perceives A”, we can infer, “A exists”, from, “S knows p”, we can infer, “It is true that p”, or, “It is the case that p”, or simply, “p”. But in one important respect the use of “true” differs from that of similar terms: every sentence expressing a judgment, may it refer to the judging person herself, to some place or some time, et cetera, can be transformed into a dependent clause for the main phrase, “It is true that ...”, in which the “is” bears a kind of ‘a-personal’, a-temporal, ‘a-topical’, et cetera, ‘present’ tense, so that the complete resulting sentence will express the very same judgment that is expressed by the unmodified original. Truth, we can say, is not relative to some person, some place or some time. And as person, place and time are just examples for possible determinations of the expression of a judgment, we can generalize: truth is not just a-personal, a-temporal or a-topical, it is d-less for every possible kind of determination d of the expression of a judgment. I may express some judgment by means of “I”, “here” and the present tense. But precisely because I express a judgment, these means will not serve the purpose of expressing the attitude of judging, the ‘force’ of my judgment whose content would then be independent of these means of its expression. They are means for expressing its content. A judgment that p, a taking p to be true, is precisely not a taking-to- be-actual-for-me-now-and-here of p: the attitude of judging is an attitude towards a content which contains all of the conditions of its actuality.23 That is why it is possible for another thinker at some other time and place, et cetera, to agree with or contradict my judgment: by reciprocally representing herself, her time and her place, et cetera, in its relation to the corresponding determinations of my judgment by, say, using linguistic forms like “you”, “there” and the past tense. This cannot be said about the parallel “principal perfection” of perception, the existence of its object. Consider sight. The primary object of sight is colour. Imagine of a sophisticated bull who, whenever he sees something red, huffs, not only: “Red!”, but: “There is something red here in front of me right now”. Clearly, in this case we cannot take the “here in front of me right now” to belong to the expression of the content of his perception, for, obviously, that there is something red in front of me right now, is anything but a colour, so “here ... now” would in this case have to be regarded as a means for the expression of its ‘force’. Unlike truth, the perfection of perception is relative to a place and a time, at least. In our use of indicative sentences truth is distinguished from other internal ends as a non-relative perfection, or more precisely – as there can be no more than one non-relative perfection –: the non-relative perfection. The principal perfection of the intellect’s act is the internal end of the absolute.24 That is why everything that is (actual) is in principle knowable.25 For, the truth of a judgment consists in the actuality of its content, but truth is not relative to any determination of the expression of a judgment whatsoever, so truth consists in the actuality of a representable content sans phrase. So the object of cognition is that which is (actual) simply as such.26 As cognition is absolute, being (actual) at all is being for cognition. That is why nothing actual could be in principle unknowable. This helps to illuminate a striking peculiarity of cognition: the inexplicability of error. If some non-spontaneous act fails to be what it as such ought to be, this can in principle be explained: it is in principle possible to say, “This act had to fail, as this or that (material) condition wasn’t met”. In the case of imperfect judgments, false ones for example, this is not the case. Nothing could make an error necessary. A false judgment is a judgment whose subject does not know that the conditions of its perfection are not satisfied. For knowing this would amount to withholding the judgment in question. So the explanation of an erroneous judgment would require showing why its subject could not know that these conditions were not met. But, as judgments are essentially unconditioned, there is nothing which is in principle unknowable. So nothing could make it necessary for a person to not know that these conditions are not satisfied. And that is why, and in this sense, error is inexplicable.27

### Boltzmann

Overwhelming mathematical probability that nothing has ever happened. Ever.

Carroll Sean Carroll (Theoretical Physics and Astrophysics, Moore Center for Theoretical Cosmology and Physics) “The Higgs Boson vs. Boltzmann Brains” August 22nd 2013 Preposterous Universe <http://www.preposterousuniverse.com/blog/2013/08/22/the-higgs-boson-vs-boltzmann-brains/> JW 1/22/15

A room full of monkeys, hitting keys randomly on a typewriter, will eventually bang out a perfect copy of Hamlet. Assuming, of course, that their typing is perfectly random, and that it keeps up for a long time. An extremely long time indeed, much longer than the current age of the universe. So this is an amusing thought experiment, not a viable proposal for creating new works of literature (or old ones). There’s an interesting feature of what these thought-experiment monkeys end up producing. Let’s say you find a monkey who has just typed Act I of Hamlet with perfect fidelity. You might think “aha, here’s when it happens,” and expect Act II to come next. But by the conditions of the experiment, the next thing the monkey types should be perfectly random (by which we mean, chosen from a uniform distribution among all allowed typographical characters), and therefore independent of what has come before. The chances that you will actually get Act II next, just because you got Act I, are extraordinarily tiny. For every one time that your monkeys type Hamlet correctly, they will type it incorrectly an enormous number of times — small errors, large errors, all of the words but in random order, the entire text backwards, some scenes but not others, all of the lines but with different characters assigned to them, and so forth. Given that any one passage matches the original text, it is still overwhelmingly likely that the passages before and after are random nonsense. That’s the Boltzmann Brain problem in a nutshell. Replace your typing monkeys with a box of atoms at some temperature, and let the atoms randomly bump into each other for an indefinite period of time. Almost all the time they will be in a disordered, high-entropy, equilibrium state. Eventually, just by chance, they will take the form of a smiley face, or Michelangelo’s David, or absolutely any configuration that is compatible with what’s inside the box. If you wait long enough, and your box is sufficiently large, you will get a person, a planet, a galaxy, the whole universe as we now know it. But given that some of the atoms fall into a familiar-looking arrangement, we still expect the rest of the atoms to be completely random. Just because you find a copy of the Mona Lisa, in other words, doesn’t mean that it was actually painted by Leonardo or anyone else; with overwhelming probability it simply coalesced gradually out of random motions. Just because you see what looks like a photograph, there’s no reason to believe it was preceded by an actual event that the photo purports to represent. If the random motions of the atoms create a person with firm memories of the past, all of those memories are overwhelmingly likely to be false.

This is the only way to account for our low-entropy universe.

Albrecht Andreas Albrecht and Lorenzo Sorbo (Department of Physics, UC Davis) “Can the universe afford inflation?” February 1st 2008 <http://arxiv.org/pdf/hep-th/0405270v2.pdf> JW 1/22/15

A century ago Boltzmann considered a “cosmology” where the observed universe should be regarded as a rare ﬂuctuation out of some equilibrium state. The prediction of this point of view, quite generically, is that we live in a universe which maximizes the total entropy of the system consistent with existing observations. Other universes simply occur as much more rare ﬂuctuations. This means as much as possible of the system should be found in equilibrium as often as possible. From this point of view, it is very surprising that we ﬁnd the universe around us in such a low entropy state. In fact, the logical conclusion of this line of reasoning is utterly solipsistic. The most likely ﬂuctuation consistent with everything you know is simply your brain (complete with “memories” of the Hubble Deep ﬁelds, WMAP data, etc) ﬂuctuating brieﬂy out of chaos and then immediately equilibrating back into chaos again. This is sometimes called the “Boltzmann’s Brain” paradox.

A few impacts:

1. Terminal defense to the aff- all of your evidence is based on inductive predictions of empirical things which ultimately relies on an invalid interpretation of how the world works. Instead we can’t be obligated to proactively change the status quo.

2. Prefer the NC framework- grounding knowledge in empirical facts fails because it assumes a linear concept of time throughout the universe- only the NC relies on purely a priori facts.

### Moral uncertainty

#### Moral uncertainty means libertarianism.

Powell 13 Aaron Ross Powell “The Humble Case for Liberty” Libertarianism.org October 17th 2013 <http://www.libertarianism.org/publications/essays/humble-case-liberty>

The virtue of humility is found in recognizing our limits—and that humility ought to make us libertarians. I could be wrong about pretty much anything. What I don’t know so outweighs what I do that my actual knowledge appears as little more than a small raft on an ocean of ignorance. I suffer no shame admitting this unflattering fact, not only because there’s never any shame in acknowledging the truth, but also because everyone else is in the same boat. Our ignorance—what we don’t know—always and enormously outweighs our knowledge. It’s true of even the smartest and most educated. Recognizing that fact ought to humble us. And that humility, informed by a realistic picture of how government operates, ought to make us libertarians. Libertarianism is a philosophy of humility. It’s one that takes us as we are and grants us the freedom to make as much of ourselves as we can. And it’s a philosophy that understands just how damaging human failings can be when coupled with the coercive force of government. Libertarianism limits rulers because it recognizes that rulers are just ordinary people who exercise extraordinary power—and that the harm that power can inflict more often than not outweighs any good it might achieve. Libertarianism rests on humility and refuses to tolerate the hubris of those who would consider themselves higher and mightier than others. Let’s start by looking at what it means to have humility in our claims to knowledge. Each of us certainly seems to know quite a lot, from what we ate this morning to the number of moons circling Mars. We know that George Washington was the first president of the United States of America, that Boris Yeltsin was the first president of the Russian Federation, and that driving while drunk is a bad idea. But if we look to the whole of intellectual history, we see one overturned conviction after another. What was scientific truth three hundred years ago is balderdash today. Our brightest once believed that you could understand a person’s mind and character by studying the bumps on his or her head. (It was given the scientific sounding name of “phrenology.”) The wise and the great were once certain that the Earth sat at the center of the universe. It’s not just science that can’t seem to finally and forever get it right. Very smart people have argued about deep philosophical problems for as long as there have been very smart people. Two and a half millennia ago, Plato thought he’d figured out what justice is. Most philosophers since have disagreed—but none have offered an alternative that wasn’t itself open to strong counter-argument. We ought to always be skeptical of claims to absolute knowledge. If you believe a philosophical point is settled, you’re almost certainly wrong. If you believe science today understands a topic fully, you’re likely to find in just a few years that it didn’t. Furthermore, if we’re properly skeptical about humanity’s knowledge in general, we ought to be even more skeptical about proclamations of certainty from individual members of our species. But all of that doesn’t stop many of us from often feeling like there’s just no way we could be wrong. It was in college that I first began to understand how common such intellectual hubris is. I was baffled by how broadly many of my professors saw their own expertise. A PhD in early twentieth-century American comedic film felt qualified to critique the cutting edge of physics research and to lecture his students on which types of cancer ought to get the most funding. It happens outside the university, too, especially in politics. How many Americans look at the fantastic complexity of our health care delivery system and say, “Oh, I know how to fix that”? How many voters without even basic knowledge of economics think it’s clear which candidate’s proposals will promote prosperity? It takes some effort to admit that we could be wrong about the things we think we have good reason to believe. But at the very least, it ought to be easier to recognize when we clearly know nothing about a topic. Furthermore, many of us aren’t adequately skeptical about the move from knowledge of facts to knowledge of values. Take nutritionists, for example. They believe they know which foods are most healthy, that is, which give us the most nutrients with the least harmful other stuff. If we consume substance X, we can expect result Y. (Of course, even that knowledge has changed dramatically in recent years.) But notice this “is” doesn’t get us to an “ought.” What’s healthy is a different question entirely from what I ought to eat. I can recognize that fried potatoes aren’t as healthy as steamed broccoli while still being right that I ought to eat French fries for dinner tonight. That’s because what I ought to eat doesn’t necessarily mean the same thing as what’s healthiest for me. “Ought” can include other values, too, such as the pleasure I’ll get, the varying prices of the alternatives, and so on. Nutrition speaks to the one value (what’s healthy), but it has nothing to say about the rest. Proper skepticism applies to both others and to us. I should be skeptical about your claims of absolute certainty, and I should likewise be skeptical about the veracity of my own. Such skepticism shouldn’t make us abandon all claims to knowledge, of course. But it should lead us to adopt an attitude of humility. Knowing others face the same difficulties in ascertaining truth, we should expect humility from them, as well. This is where humility urges us in the direction of libertarianism. If we embrace legitimate skepticism about our knowledge of both truth and values, then we should hesitate before compelling people who may disagree with us to live by our convictions. We should hesitate, in other words, before reaching for a club or calling on the police to use their nightsticks.

### Actor Specificity Weighing

It is possible for states to be Kantian. Germany proves.

Ripstein Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009, pp.273-274 JW

Strictly speaking, the right to dignity is not an enumerated right in the German Basic Law, but the organizing principle under which all enumerated rights—ranging from life and security of the person through freedom of expression, movement, association, and employment and the right to a fair trial to equality before the law—are organized. It appears as Art. I.1: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.” Art. I.3 explains that the enumerated rights follow: “The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.” Other, enumerated rights are subject to proportionality analysis, through which they can be restricted in light of each other so as to give effect to a consistent system of rights. The right to dignity is the basis of the state’s power to legislate and so is not subject to any limitation, even in light of the enumerated rights falling under it, because—to put it in explicitly Kantian terms—citizens could not give themselves a law that turned them into mere objects.

Prefer this to util: A. only my framework accounts for a static conception of government action since policymakers have a plurality of moral views-all they share is basic moral reason-absent a unified conception of action, decision making would collapse to moral chaos. B. this is inherent to the nature of any society which is by definition just a collection of individuals-any alternative government function is contingent on extrapolations of what a government ought to do. C. link turns your warrants-it’s easier for a state to be Kantian because all they have to do is avoid side constraints-whereas under util they must constantly be calculating and researching the effects of their action.

### A2 Naturalism

1. No link and turn-Kant best unifies naturalism with the possibility of value

Korsgaard 89 Korsgaard, Christine (voted most likely to be a reincarnation of Kant by her high school class). 1989. Personal identity and the unity of agency: A Kantian response to Parfit. Philosophy and Public Affairs 18, no. 2: 101-132. http://dash.harvard.edu/bitstream/handle/1/3219881/Korsgaard\_UnityofAgency.pdf?sequence=2

At this point it will be useful to say something about why I take the view which I am advancing to be a Kantian one. Kant believed that as rational beings we may view ourselves from two different standpoints.31 We may regard ourselves as objects of theoretical understanding, natural phenomena whose behavior may be causally explained and predicted like any other. Or we may regard ourselves as agents, as the thinkers of our thoughts, and the originators of our actions. These two standpoints cannot be completely assimilated to each other, and the way we view ourselves when we occupy one can appear incongruous with the way we view ourselves when we occupy the other. As objects of theoretical study, **we see ourselves as** wholly **determined by natural forces**, the mere undergoers of our experiences. Yet as agents, we view ourselves as free and responsible, as the authors of our actions, and the leaders of our lives. **This** incongruity **need not become contradiction**, so long as we keep in mind that the two views of ourselves spring from two different relations in which we stand to our actions. When we look at our actions from the theoretical standpoint our concern is with their explanation and prediction. When we view them from the practical standpoint our concern is with their justification and choice. These two relations to our actions are equally legitimate, inescapable, and governed by reason, but they are separate. Kant does not assert that it is a matter of theoretical fact that we are agents, that we are free, and that we are responsible. Rather, we must view ourselves in these ways when we occupy the standpoint of practical reason - that is, when we are deciding what to do. This follows from the fact that we must regard ourselves as the causes - the first causes - of the things that we will. And this fundamental attitude is forced upon us by the necessity of making choices, regardless of the theoretical or metaphysical facts.32 From the theoretical standpoint, an action may be viewed as just another experience, and the assertion that it has a subject may be, as Parfit says, "because of the way we talk." But from the practical point of view, actions and choices must be viewed as having agents and choosers. This is what makes them, in our eyes, our own actions and choices rather than events that befall us. In fact, it is only from the practical point of view that actions and choices can be distinguished from mere "behavior" determined by biological and psychological laws. This does not mean that our existence as agents is asserted as a further fact, or requires a separately existing entity that should be discernable from the theoretical point of view.33 It is rather that from the practical point of view our relationship to our actions and choices is essentially authorial : from it, we view them as our own. I believe that **when we think about the way** in which **our** own **lives matter to us** personally, **we think of ourselves in this way.** We think of living our lives, and even of having our experiences, as something that we do. And it is this important feature of our sense of our identity that Parfit's account leaves out.34

2. The NC doesn’t rely on any metaphysical claims

Ripstein 9 Arthur Ripstein (University of Toronto). Force and Freedom: Kant’s Legal and Political Philosophy. Harvard University Press. 2009.

This formulation of your right to your person as your right to your body neither presupposes nor conflicts with any more general metaphysical claims about the relation between your person and your body. At the level of theoretical metaphysics, your person might be kept track of in other ways– the narrative of your actions, the fluctuations of your bank account, or your own conscious thoughts. As far as your claim against others, and the claims of others against you, however, the starting point must be your person as your body. You are the one to whom various things happened, the one who engaged in various transactions, and every time you did something or something happened to you, your body did it, or it happened to your body. If somebody wrongs you, he typically interferes with one or more aspects of your person; all are wrongs against your person by being wrongs against its aspects. Your person is not just a set of means that are at your disposal, but if another person interferes with your body, he thereby interferes with your ability to set and pursue your own purposes by interfering with the means that you have with which to set them, namely your bodily powers or abilities. Some philosophers have thought that you can keep track of your conscious thoughts without keeping track of your body. Any such possibility is irrelevant to the ways in which you may treat others, or others may treat you, consistent with your respective purposiveness. Your thoughts make no difference to the capacity of others to set and pursue their own purposes unless you act on them. You exercise your purposiveness by choosing, rather than merely wishing.

### A2 Virtue Ethics

Virtues are just acting on good maxims-your framework devolves to mine.

Wood Allen W. Wood (Ward W. and Pricilla B. Woods Professor at Stanford University) Kantian Ethics pg. 157 JW

Human customs are generally corrupt, so that what they consider to be virtues are often not virtues at all but the reverse of what is authentically admirable or truly deserving of praise or encouragement. Virtue requires self-constraint and self-command on rational principles, not merely customary goodness. But even genuine virtues are comparatively superficial in relation to the authentic sources of morality. Virtue is not yet morality. Virtue is the strength of good maxims to overcome the bad inclinations that resist them, but we are entitled to praise them as virtues only for as long as the maxims they strengthen are truly good ones, rationally justifiable maxims that arise in us from a disposition to do what is morally right.

Virtue ethics justifies oppression-prefer Kant.

Wood Allen W. Wood (Ward W. and Pricilla B. Woods Professor at Stanford University) Kantian Ethics pg. 157 JW

An ideal ethics is suited to a more innocent, premodern age, to a society in which customs are relatively simple and uniform and the customary standards they presuppose are generally taken for granted unreflectively, so that it is even with a kind of innocence that people inflict on themselves the pernicious self-deception that there is such a thing as a “fine and good man” – that the rest of us should admire them, defer to them, and put their interests ahead of our own. This is necessarily a society that tolerates social inequalities too much and respects human individuals too little. Every ideal ethics is too deferential to “culture” itself – to unenlightened and unfree ways of thinking, or unjust inequalities of status, power, or wealth. The first principle of morality in relation to culture is that no human customs should ever be venerated or deferred to uncritically.17 In the course of the historical development of our faculty of practical reason, an ideal ethics, or an ethics of virtue, must necessarily give way to an ethics of principles.

Virtue ethics doesn’t account for weak people who take good actions-Kant solves.

Wood Allen W. Wood (Ward W. and Pricilla B. Woods Professor at Stanford University) Kantian Ethics pg. 143 JW

“The good will” does not properly refer to a kind of person, or even to a stable characteristic of a person. A good will is volition on good maxims. Volition is the exercise of a faculty, hence sooner categorized as a kind of moral doing than as a kind of ethical being. A maxim may be acted on by an agent only once, perhaps in an action that is entirely out of character for the agent, and so the fact that an agent displays a good will, in this or that respect, on this or that occasion, tells us nothing about the enduring characteristics of the agent. The good will is an abstraction, instantiated in agents and actions in different ways at different times and in different respects. Even the most vicious people sometimes act on the right principles, and then the person’s volition is just as good (“good without limitation”) as the virtuous person’s (more frequent) volition conforming to moral laws. Kant says explicitly that goodness of will sometimes coexists with a lack of virtue, as in a person who is childish and weak, and sincerely adopts good principles but does not have the strength of character to act on them (MS 6:408). So good will is not at all the same thing as virtue, even if the principles of the good will are presupposed by virtue.

1. Virtues are too relative: A. they are conditioned by different societies we live in-some cultures value things like loyalty and honesty differently, B. every agent perceives what is virtuous differently by nature of having different moral dispositions. Kantianism solves since it grounds what is a moral in the binding nature of reason-it’s the only framework that can be objective and apply to all agents.

2. Virtue can’t guide action. Your framework has no way we can weigh between two virtues when they come into conflict. For example, honesty might require us to tell the truth when passion tell us to remain silent. Kant avoids this problem since there are a set of rational principles that can be applied to evaluate actions, how they pass the universalizability test and their consistency with the categorical imperative.

3. The source of value can’t be the disposition we have, because that doesn’t ensure that I take good actions. For example, a soldier might demonstrate supreme loyalty and courage in fighting for an oppressive regime, but he is using his strong will for wrong. This requires an external standard to tell us what a moral action is in the first place. Kant fixes this since it says we use our wills to take actions for right reasons in accordance with the law of reasoning.

## Kant ROTB

### 1NC: Oppression Method

#### Abstract reasoning empirically spurs social change- changes hearts and minds.

Goldstein 14 Rebecca Newberger Goldstein (Former professor of Philosophy at Rutgers and Columbia, PhD from Princeton). “Why Study Philosophy? 'To Challenge Your Own Point of View'.” 27 February 2014. http://www.theatlantic.com/education/archive/2014/02/why-study-philosophy-to-challenge-your-own-point-of-view/283954/t

It’s amazing how long it takes us, but we do make progress. And it’s usually philosophical arguments that first introduce the very outlandish idea that we need to extend rights. And it takes more, it takes a movement, and activism, and emotions, to affect real social change. It starts with an argument, but then it becomes obvious. The tracks of philosophy’s work are erased because it becomes intuitively obvious. The arguments against slavery, against cruel and unusual punishment, against unjust wars, against treating children cruelly—these all took arguments. Which philosophical arguments have you seen shifting our national conversation, changing what we once thought was obvious? About 30 years ago, the philosopher Peter Singer started to argue about the way animals are treated in our factory farms. Everybody thought he was nuts. But I’ve watched this movement grow; I’ve watched it become emotional. It has to become emotional. You have to draw empathy into it. But here it is, right in our time—a philosopher making the argument, everyone dismissing it, but then people start discussing it. Even criticizing it, or saying it’s not valid, is taking it seriously. This is what we have to teach our children. Even things that go against their intuition they need to take seriously. What was intuition two generations ago is no longer an intuition; and it’s arguments that change it. We are very inertial creatures. We do not like to change our thinking, especially if it’s inconvenient for us. And certainly the people in power never want to wonder whether they should hold power. So it really takes hard, hard work to overcome that.

#### Double bind: either a) the K relies on intuitions which entrenches oppressive institutions or b) you lose the framework debate which means nihilism. Only universal reason can create real world change.

Drescher 6 Gary L. Drescher (Visiting Fellow at the Center for Cognitive Studies at Tufts University, PhD in Computer Science from MIT). “Good and Real: Demystifying Paradoxes from Physics to Ethics.” Bradford Books. 5 May 2006.

Still, to the extent that evolution has rigged us with a disposition toward empathy and other cooperation-promoting emotions (as in Frank’s account), we might simply behave cooperatively without needing a rationale for doing so (just as you do not need a rationale to keep your heart beating—it’s simply built that way). But empathy is notoriously limited. We do not, for instance, grieve deeply each time we read of a stranger being murdered. And empirically, from the extent of violent, selfish, or predatory behavior in the world, we can see that whatever altruistic disposition our genes or upbringing may impose, it can in fact be overridden by other considerations, for better (violence used in self defense, perhaps, in small-scale or even large-scale conflicts) or for worse (harming people to rob them, or persecute them, or just for fun). Moreover, there are many inclinations that, even if they result from specific genetic predispositions, we want to override. For instance, suppose there is a genetic predisposition to alcoholism. If you learned that you had inherited the alcoholism genes, you would not necessarily resign yourself to becoming an addict, nor should you. A more sensible response would be to take special care to avoid the expression of that disposition. Or, a sense of empathy (whether hardwired or not) may disincline you to violate the bodily integrity of another. But if you are a surgeon, you must learn to suppress that aversion in order to make an incision through flesh. Dennett (1995), Gould (1981), and other critics of (some construals of) sociobiology point out that many putative genetically predisposed behavioral tendencies—for example, toward sexism or aggression in some situations— do not thereby constitute imperatives, either behavioral or ethical, even if the supposed genetic influences are real. But the same holds true for any genetic influences that tend to promote altruism or cooperation. The ethical imperative, if any, must still come from somewhere else. In short, whatever emotional impulse we may have toward altruism and empathy, and to whatever extent it may be genetically hardwired, it does not obviate the need for explicit judgments about right and wrong. If it did not seem correct to act with kindness and fairness, even at a net personal cost—if there were no sensible reason for so acting, beyond a raw impulse to do so—then we would have reason to regard the raw impulse as pointlessly self-destructive—like a disposition to alcoholism or a purely visceral (so to speak) aversion to surgery—and we would have reason to attempt to overcome it. And it is plausible that that attempt would have at least partial success, since empirically an impulse to altruism or empathy can be and often is overridden, for reasons good and bad. Thus, although a dog or cat is not in danger of having its friendly behavior diminished by a belief that the behavior lacks a rational foundation (because it presumably forms no opinion about rational foundations), humans may be subject to that risk. And conversely, a belief that our kindly inclinations are correct is likely to help cultivate and amplify those inclinations. An explicit **belief in the obligation to treat others fairly enables us to go beyond** what is compelled by **the limited emotional experience of caring.** Furthermore, we all experience temptations to do what is wrong if it profits us greatly. If there is an explicit belief that an obligation to be altruistic and principled is real, that it has a rational basis, then this belief presumably has some effect, at least in borderline cases. The belief is likely to push in one direction, whereas a belief that an altruistic inclination has no rational privilege over any other sort of inclination we might experience would likely push the other way. It is not surprising that our built-in inclinations do not suffice to explain ethics. The biological evolution of altruistic behavior, construed as a learning process, can be viewed as an early step in reasoning about ethics—a step taken by evolution itself, rather than by an individual intelligence. But as with other learning carried out by evolution, we may expect this early step to be rudimentary compared to what we can reason about explicitly. By analogy, evolution has also implicitly learned about some basic properties of physical objects; this knowledge is embodied in whatever hardwired competence we have for perceiving, manipulating, and navigating among the objects in our ordinary environments. But however helpful a point of departure this hardwired knowledge may be, it is naive by comparison with the knowledge developed by physicists. It would be a terrible mistake to settle for our crude, hardwired version of either physics or ethics. Similar considerations apply to socially inculcated tendencies toward cooperation. Many aspects of what we now recognize to be moral conduct began as revolutionary, unprecedented defiance of prevailing mores. For such progress to occur, social values themselves cannot be the ultimate origin of ethics. Consider the range of ethical beliefs and corresponding behaviors actually exhibited by large groups of people: from Nazism to humanism, from slavery and manifest destiny to freedom rides and Gandhian resistance. All these and more are demonstrably within the scope of human genetic, social, and psychological constraints. If a theory of ethics is to have finer resolution than this entire observed range, it must therefore appeal to more than social and biological constraints. It must invoke a sense of right and wrong that goes beyond a mere description of how our neural circuitry or social acclimation incline us to behave. And we often do feel that our actions are grounded in part in an appeal to an **abstract** knowledge of right and wrong. Although you may dislike violence, you may nonetheless support, say, law enforcement, or a war or a revolution, due to being convinced of the justness of the cause. Or you may refrain from doing something that would benefit you—lying or stealing, for example—because you consider it wrong. Even if sufficiently strong self-interest overrides moral qualms—you may feel, roughly, that you were unable to resist the temptation to do it anyway—the moral qualms may still be felt to exert an influence, albeit not a decisive one. Explicit **appeal to principle** is perhaps felt most strongly in the case of socially controversial matters—as democracy, slavery, executions, women’s suffrage, and gay rights have been at various times, for example—when we are called upon to choose and defend a position among conflicting popular alternatives. Of course, our introspection in such situations could be deceptive. It may be that our actions are caused by factors entirely other than beliefs about right and wrong, and that such beliefs merely occur to us as rationalizations of those actions. Quite plausibly this is often the case, just as more generally the reasons that we think are responsible for our doing or believing anything may just be retroactive rationalizations that substitute for the true cause. In many cases, though, when we see our beliefs or choices change under the weight of new evidence or arguments, we reasonably conclude that that evidence or argument likely caused the difference. Plausibly, then, explicit deliberations about right and wrong are at least sometimes influential in determining our actions. Thus, at a minimum, explicit beliefs about right and wrong may exert influence when the balance among other factors is roughly even, or when one must take sides in a social conflict. More importantly, though, even if explicit ethical theorizing does not proximally influence our actions much in routine situations, the other factors that do operate in such situations may themselves be shaped in the long run by explicit ethical reasoning (among other factors). This consideration applies especially to social influences, punishments and rewards, and feelings of pride or shame. Even when we conform to social pressures without knowing their origin, we are acting under the extended influence of whatever reasoning (and whatever other factors) helped sculpt those pressures over the years and millennia. By analogy, our biological form is determined by the accumulation of our ancestral mutations, even though mutation rarely affects an individual reproductive step. Similarly, the culturally cumulative effect of explicit reasoning about ethics quite possibly predominates over other factors, even if the immediate impact of explicit reasoning is negligible at almost every step. Attempts to logically derive ethical foundations without ethical presupposition should not be thought to suggest that such a derivation is necessary (or sufficient) to promote ethical conduct. Similarly, appeal to thought experiments involving agents with idealized rationality or idealized predictive powers does not suggest that people would need to have such powers in order to behave ethically. And of course, we would be foolish to pretend that we humans are ideally rational and hence able to behave ethically by sheer exercise of reason. Alas, we must not forgo the systematic incentives and sanctions that, in reality, we need in order to supplement the influence of our limited rationality. Still, I maintain it is both true and important that a sufficiently rational person would indeed have rational grounds, without prior ethical supposition, for benevolent and principled behavior, even if (unrealistically) all additional factors promoting such behavior were absent. It is important because if an arbitrarily rational person would find no reason for ethical behavior per se, that would be a reductio ad absurdum of the belief that one should behave ethically. Then, to the extent that we tried to base our actions on careful deliberation, we would be led away from ethical conduct, not toward it—benevolence and rationality would be adversarial rather than symbiotic. It may well be easier to motivate our ethical conduct by appealing to intuitions such as this is right, this is fair, and think about the other person’s feelings—rather than by the intellectual machismo of appealing only to abstract arguments about acausal means–end relations. Similarly, we would not need or want to try to motivate our every move on a bicycle by an analysis of Newtonian mechanics. Both in physics and in ethics, even if we accept the principles extracted from reasoning about idealized toy scenarios, the explicit application of those principles to everyday situations is often impractically complex. Anticlimactically, after all the analysis, we must revert to trusting our intuitions much of the time—intuitions that, I speculate, are implemented in part by means–end-recognizing machinery along the lines of what is sketched in chapter 5 above. (Dennett 1995 documents discussion of a similar point about intuition versus explicit reasoning at least as far back as the 1800s.) Nonetheless, by understanding how our intuitions could possibly be competent to know the truth about physical objects, or about ethics—by knowing that there are underlying mechanical principles whose ramifications our brains could be computing, even if the details of the computations are not introspectively accessible—and **by knowing the general form of those principles, we can** better **judge which** of our **intuitions to trust, and refine those intuitions.** Knowing physics may not help much in riding a bicycle, but it does help in designing a bicycle, not to mention a spaceship. And it helps us dismiss entire categories of spurious intuitions, such as those that pursue perpetual-motion machines or telekinesis. Knowing how our sense of balance works explains why we should trust it to stay upright while walking, but not while piloting an airplane inside clouds. Similarly, an account of ethical foundations can steer us away from grounding our choices in ancient mystical dictates, or in exclusive consideration of selfish causal consequences, while helping us understand why an intuitive balancing of categorical-imperative factors may be a more sound guide. In sum, ethical theory, explicit belief about right and wrong, is not omnipotent in determining our behavior, but it is influential. Good theories of ethics can encourage us to behave well; bad theories can promote correspondingly unethical behavior. Grounding ethics in reciprocal altruism unduly encourages selfishness; ultimate **reliance on social, legal, or religious tradition** or authority tends to **entrench the oppressive** or persecutorial **aspects of those institutions**; and perhaps most insidiously, denial that there is a rational foundation for ethics exerts influence toward ethical relativism, which tends to imply that any adopted ethical standard is as good as any other—and thence toward ethical nihilism, the doctrine that there is no real distinction between right and wrong.

#### Rejecting government coercion is key to challenging oppression- people will consent to organic reciprocal constraints.

McKay no date Iain McKay (primary contributor and editor to “An Anarchist FAQ”) “Mutual Aid: An Introduction and Evaluation” pg. 35 <http://anarchism.pageabode.com/sites/anarchism.pageabode.com/files/MAintroduction.pdf> JW 2/6/15

Mutual Aid also provides substantial evidence to support the anarchist theory of social change. Anarchists argue that human societal evolution (including periods of swift evolution called revolution) was based on the conflict between what could be termed the “law of mutual struggle” and the “law of mutual aid.” The book provides empirical evidence that both historically and within current struggles, people have organised themselves to resist the institutions and negative results of mutual struggle (such as the oppression and exploitation resulting from private property, the state and other social hierarchies). These take many forms, including village folkmoots, neighbourhood forums, unions, strikes, guilds, co-operatives, and so on). Thus the mutual aid tendency “continued to live in the villages and among the poorer classes in the towns.” Indeed, “in so far as” new “economical and social institutions” were “a creation of the masses” they “have all originated from the same source” of mutual aid. By these means, the masses “maintained their own social organisation, which was based upon their own conceptions of equity, mutual aid, and mutual support . . . even when they were submitted to the most ferocious theocracy or autocracy.”162

#### The NC is a prerequisite to the aff framework- oppression means ‘unjust coercion’ but my framework actually defines what it means to coerce in the first place and consequences aren’t relevant.

#### Universalizability recognizes that we can’t ignore other people- this is essential to inclusion of other agents.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### My method of abstraction can be combined with embodiment and is a pre-req to material strategies. The practical reasoner is NOT white, male and cis-gendered- they’re intersubjective.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy.

#### Rejecting reason causes more oppression by letting people make intuitive excuses- reason isn’t perfect but it’s inevitable.

**Hill and Boxill 1**Thomas E. Hill (Professor of philosophy at Chapel Hill) and Bernard Boxill (Professor of African American philosophy at Chapel Hill). Kant and Race. In Race and Racism. March 2001. http://www.faculty.umb.edu/lawrence\_blum/courses/465\_11/readings/Race\_and\_Racism.pdf

It may seem that this is mistaken, because there are cases where knowing what is in conformity with duty requires more sophisticated intellectual argumentation than is available to ‘common human reason’. This may or may not be true. In any case, the objection now under consideration maintains that Kant’s remark is mistaken for a different and perhaps more fundamental reason. It can allow that, suitably qualiﬁed, Kant’s remark is right that ‘common human reason’ can always know what is in conformity with duty. The qualiﬁcation is that to be able to know what is in conformity with duty common human reason must always have the morally relevant facts vividly before it. But, so the objection goes, emotions, passions, and attitudes often make it extremely difﬁcult if not impossible for common human rea-son to have the morally relevant facts vividly before it. As Aristotle reminds us, the emotions, passions, and attitudes focus our attention on certain facts and distract our attention from other facts. The conﬁdent person tends to overlook facts that a fearful person notices; and an angry person tends to overlook facts that a happy person notices. In other words, emotions, passions, and attitudes tend to make certain facts vivid, and to make others obscure. Indeed they often make morally irrelevant facts vivid, and morally relevant facts obscure. But if common human reason must have the morally relevant facts vividly before it to know what is in conformity with duty, the emotions, passions, and attitudes can make it very difﬁcult for common human reason to know what is in conformity with duty. We can see this in a case that Kant himself constructs: according to him, a person cannot will that his maxim not to assist others in need be made a law of nature because many cases could occur in which he would need the assistance of others. But this argument depends on the possibility of such cases being sufficiently vivid to the person in question, and we know that they will not be if he is very proud and self-confident. Generally, if the maxims we can will to be universal laws depend on the factual beliefs we have vividly before us, and the maxims we can will to be universal laws determine what we think is right, our emotions, passions, and attitudes can determine what we think is right. The problem is that if our emotions and passions can make morally irrelevant facts vivid, and morally relevant facts obscure, they can mislead us into thinking that what is right is wrong, and that what is wrong is right. If this is correct, conﬁdent, complacent, well-positioned white people will not only ﬁnd it difficult to do what they know to be right; they will ﬁnd it still more difﬁcult to know what is right, even when they sincerely claim that they are trying to do so. Indeed, such sincere people are likely to be particularly dangerous for, feeling their own sincerity, they will be unlikely to believe that they can be mistaken. We do not think that Kant was altogether unaware of this problem, for he frequently warned of the dangers of self-deception. His mistake seems to have been to suppose we can always overcome our self-deceptions, and bring the morally relevant facts vividly before us, by a sufficiently strenuous rational self-examination. Still, the solution to this difficulty is not to abandon reliance on reason. On the contrary, we can only solve this difficulty if we rely even more on reason. It was reason that led us to appreciate that the emotions, passions, and attitudes can distort the results of reason’s efforts to determine what is right; and it was reason that led us to see that rational self-examination alone may not always enable us to bring all the morally relevant facts vividly before us. Finally, it is reason that will enable us to solve the problem, which in general is to ﬁnd some way to bring the morally relevant facts before common human reason. The ﬁrst step, of course, is to listen to what others are saying. Reason will only lead us to the truth if we listen to what others are saying. But we are not repeating this fact made familiar by every defender of freedom of expression. Listening to others with different viewpoints, different emotions and attitudes, and consequently different blind spots is a beginning, but it is not enough. The conﬁdent and complacent do not listen sympathetically to those they feel to be their inferiors, even when they invite these inferiors to speak. Somehow we must design institutions that will help us to listen to others sympathetically. Morally relevant facts that are obscure to us may be vivid to others, and if we listen to them sympathetically these facts may become vivid to us too. Rousseau believed that institutions that reduced inequalities and dependencies would help us to listen to others sympathetically. We believe he was right, but that is not the point we want to press now. Our point is that only by rational reﬂection together with adequate understanding of the social and psychological roots of racism can we design the institutions that will help us to listen to others sympathetically and consequently to know what is in conformity with duty.

### 2NR O/V

You can only ground morality in a conception of agency- anything else causes infinite regress because we can question why to ask for given reasons. Only practical reason is inescapable because questioning why to act rationally is self-defeating. That’s Ferrero.

I’ll win that Kant is an effective method, but that debate is secondary because if I win the meta-level thesis of enlightenment morality then ethics is not a question of which value system is better or worse but which one is capital T true; they can’t weigh the a posteriori impacts of the aff against the NC since consequences aren’t relevant.

### AT: Anthro

#### Kantianism accounts for the value of animals.

Korsgaard The Origin of the Good and Our Animal Nature Christine M. Korsgaard Harvard University

Here’s what I mean: the distinctive form of life that characterizes an animal involves the maintenance of that very form of life by means of a relationship that obtains between the animal and her own functioning: the animal monitors her own functioning and has positive evaluative attitudes towards the things that promote her functioning and negative ones towards the things that will inhibit it. To put it more simply and intuitively, healthy, well- functioning animals like to eat when they are hungry, are eager to mate, fear their enemies, work assiduously to keep themselves clean and healthy, and so on. (Now don’t say “well, *of course* they do.” Allow yourself to be struck by the act that there are entities, *things*, that attend in this way to the goodness of their own condition.) What these phenomena show is that the function of an animal is to take care of itself – and nature made that possible by designing the animal *to care about itself* – by which I mean, to enjoy and suffer from its own extended- evaluative condition. On Aristotle’s conception, that’s not just a fact about animals – that’s what an animal essentially is, something that functions by caring about itself, and how it is doing. Animals have a final good because it is their nature to have evaluative attitudes about their own extended-evaluative condition. And that’s what a final good is: a final good is something that constitutes or contributes to the good condition of something that can experience its own condition as a good. That, I want to say, is the Aristotelian theory of the *nature* of the final good. To put it more carefully, Aristotle’s theory of the nature of the final good is that a final good is something that constitutes or contributes to the good condition of something that stands in an evaluative relationship to its own condition. Since an animal is essentially something that stands in an evaluative relationship to its own condition, to say that an animal has a final good is a kind of tautology. The two concepts – the concept of a being with a final good, and the concept of an animal – are pretty much co-extensive.

### AT: Kant Racist

#### TURN-Kant is an example of why ethics solves racism. He completely changed his racist beliefs as a result of his philosophy, which for a white dude in 18th century Europe is actually pretty damn progressive.

Kleingeld 7 Pauline Kleingeld (Professor at the University of Groningen). “KANT’S SECOND THOUGHTS ON RACE.” Philosophical Quarterly. 2007. <http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf>

**Kant radically revised his views on race during the 1790s.** He gives no indication of when or why he changed his views. **He makes no mention of a racial hierarchy anywhere in his published writings of the 1790s**, however, **and** what he does say about related issues **contradicts his earlier views on a racial hierarchy** and a plan of Nature designed to restrict human migration (after their initial dispersal across the globe). I ﬁrst discuss evidence for the thesis that Kant dropped his hierarchical view of the races, and then turn to the status of the concept of race as such in his later work. **In Toward Perpetual Peace and the Metaphysics of Morals, Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race.**28 **He now grants a full juridical status to non-whites, a status irreconcilable with his earlier defence of slavery. For example, his concept of cosmopolitan right**, as introduced in Toward Perpetual Peace (: ), **explicitly prohibits the colonial conquest of foreign lands:** If one compares with this [viz the idea of cosmopolitan right] the inhospitable behaviour of the civilized states in our part of the world, especially the commercial ones, the injustice that the latter show when visiting foreign lands and peoples (which to them is one and the same as conquering those lands and peoples) takes on terrifying propor- tions. America, the negro countries, the Spice Islands, the Cape, etc., were at the time of their discovery lands that they regarded as belonging to no one, for the native inhabitants counted as nothing to them. **Any European settlement requires contractual agreement with the existing population**, says Kant, unless the settlement takes place so far from other people that there is no encroachment on anyone’s use of land. In the section on cosmopolitan right in the Metaphysics of Morals, **Kant speciﬁcally stipulates that such a contract should not take advantage of the ignorance of the in- habitants with regard to the terms of the contract** (MM : ), a stipulation which presupposes a concern not found in the 1780s texts. The very fact that Kant regards Native Americans, Africans and Asians as (equally) capable of signing contracts, and as persons whose interests and claims present a normative constraint on the behaviour of European powers, indicates a shift in perspective. After all, as long as Kant regarded slavery as appropriate for Native Americans and Africans, he did not con- sider their consent to be important at all. **The same can be said about the fact that he now defends hunting** and shepherding **peoples against en- croachment by Europeans, instead of highlighting their failure to develop agriculture** as he did earlier. **In the Metaphysics of Morals, Kant rejects con- sequentialist justiﬁcations for colonialism (the alleged ‘civilizing’ eﬀects on the ‘savages’)** (MM : ). He also rejects the argument that the European colonists are justiﬁed in claiming ownership over foreign lands and their inhabitants by the fact they ‘establish a new civil union with them and bring these human beings (savages) into a rightful condition’. Instead, Kant main- tains that the latter have the right of ﬁrst possession, and that this right is violated by the European ownership claims (MM : ). Importantly, **Kant has now become unambiguously opposed to chattel slavery.** Robert Bernasconi has claimed that Kant was ‘silent on the slave trade in Africans’ and ‘failed to speak out against chattel slavery’, and that he is ‘aware of no direct statement by Kant calling for the abolition of either African slavery or the slave trade, even if only in principle’.29 Such state- ments do exist, however. In his notes for Toward Perpetual Peace (–), **Kant repeatedly and explicitly criticizes slavery of non-Europeans in the strongest terms, as a grave violation of cosmopolitan right** (: –). **He formulates a scathing critique of the conduct of European powers elsewhere in the world. He sharply criticizes ‘the civilized countries bordering the seas’, whom he accuses of recognizing no normative constraints in their behaviour towards people on other continents** and of regarding the ‘possess- ions and even the person of the stranger as a loot given to them by Nature’. **Kant censures the slave trade** (‘trade in Negroes’), not as an excessive form of an otherwise acceptable institution, but **as in itself a ‘violation’ of the cosmopolitan right of blacks** (: ). Similarly, he criticizes the fact that the inhabitants of America were treated as objects belonging to no one, and ‘were displaced or enslaved’ soon after Europeans reached the continent (: –). After having discussed European behaviour in Africa, America and Asia, he concludes (: ): The principles underlying the supposed lawfulness of appropriating newly discovered and purportedly barbaric or irreligious lands, as goods belonging to no one, without the consent of the inhabitants and even subjugating them as well, are absolutely contrary to cosmopolitan right. In the published version of Toward Perpetual Peace, Kant repeats this judge- ment. He criticizes the ‘very most gruesome and most calculated slavery’30 on the Sugar Islands (PP : ). In the Metaphysics of Morals too (MM : , , ), he categorically and repeatedly condemns chattel slavery.31 **These passages show that Kant changed his earlier views on the status of non-whites. The oft-defended thesis that Kant’s racism remained constant thus needs correction, and one should not use evidence from the 1780s in support of claims about his views in the 1790s.** For example, his statements from the mid-1790s contradict the view that the role of the ‘idle races’ in Kant’s cosmopolitan theory was merely that of a contrast against which Europeans could measure their own progress,32 as well as the view that for Kant, the non-white races counted as a ‘waste’ of nature.33 These inter- pretations are based on Kant’s earlier texts, and therefore they are at most defensible as interpretations of his earlier views, not of his later views on the races. **Kant not only became more egalitarian with regard to race, he also revised his view of the role of race in connection with intercontinental migration.** In some of his earlier writings he called racial diﬀerentiation ‘necessary’ for the preservation of the species during its initial dispersal across the globe (DCHR : ), and claimed that Nature discouraged sub- sequent migrations. As Mark Larrimore has shown, however, these claims were in tension with Kant’s repeated declarations, often in the same writings, that whites are able to live anywhere on earth,34 for they imply that racial diﬀerentiation (or, more precisely, the development of non-whites) is not really necessary for the preservation of the species after all. Kant’s later position simply does not attribute any special role to racial diﬀerentiation (let alone racial hierarchy) for the purpose of global migration. In his 1795 description of what Nature has done to enable humans to live everywhere on earth, Kant omits any mention of predispositions for diﬀer- ent races (PP : –). He now claims that Nature has organized the earth in such a way that humans can and will live everywhere, and that they will eventually use the surface of the earth for interacting peacefully (PP : ). The new category of cosmopolitan right, introduced in Toward Perpetual Peace, is premised on increasing and continuing movement and interaction across borders. He concludes his exposition of cosmopolitan right (which includes his critique of colonialism and slavery) with the hope that In this way, remote parts of the world can establish relations peacefully with one another, relations which ultimately become regulated by public laws and can thus ﬁnally bring the human species ever closer to a cosmopolitan constitution (PP : ). Instead of his earlier claim that blacks and Native Americans cannot govern themselves (: ) and that Europe ‘will probably eventually legislate for all other continents’ (IUH : ), Kant now envisages a world in which people of diﬀerent colours and on diﬀerent continents establish peaceful relations with each other that honour the normative principles laid down in his exposition of cosmopolitan right. **Finally, Kant’s ascription of mental characteristics to the diﬀerent races has changed. For example, he ascribes the ideal of military courage equally to Native Americans and mediaeval European knights** (PP : ). **This stands in marked contrast with his earlier insistence on the weakness and inertia of Native Americans.**

#### Kant’s theory is total separate from his beliefs- he can be a bad dude with a great theory.

**Farr 02** Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

What **deconstruction will reveal** is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the **disunity between Kant’s theory and his own feelings** about blacks and women. **Although** the theory is consistent and emancipatory and should apply to all persons, **Kant** the man **has his own** personal and moral **problems**. Although Kant’s attitude toward people of African descent was deplorable, **it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its** emancipatory potential**.**

### AT: Dualism

#### Dualism is irrelevant; that ain’t me.

Ripstein 9

Arthur Ripstein (University of Toronto). Force and Freedom: Kant’s Legal and Political Philosophy. Harvard University Press. 2009.

This formulation of your right to your person as your right to your body neither presupposes nor conflicts with any more general metaphysical claims about the relation between your person and your body. At the level of theoretical metaphysics, your person might be kept track of in other ways– the narrative of your actions, the fluctuations of your bank account, or your own conscious thoughts. As far as your claim against others, and the claims of others against you, however, the starting point must be your person as your body. You are the one to whom various things happened, the one who engaged in various transactions, and every time you did something or something happened to you, your body did it, or it happened to your body. If somebody wrongs you, he typically interferes with one or more aspects of your person; all are wrongs against your person by being wrongs against its aspects. Your person is not just a set of means that are at your disposal, but if another person interferes with your body, he thereby interferes with your ability to set and pursue your own purposes by interfering with the means that you have with which to set them, namely your bodily powers or abilities. Some philosophers have thought that you can keep track of your conscious thoughts without keeping track of your body. Any such possibility is irrelevant to the ways in which you may treat others, or others may treat you, consistent with your respective purposiveness. Your thoughts make no difference to the capacity of others to set and pursue their own purposes unless you act on them. You exercise your purposiveness by choosing, rather than merely wishing.

### AT: Sexism

#### TURN-Kantian studies are vital for gender equality.

Hay KANTIANISM, Liberalism; and Feminism Resisting Oppression Carol Hay University of Massachusetts Lowell, USA

**Kant's defense of the ultimate moral importance of our rational nature is something that feminists cannot afford to ignore**. This is because, as we will see in detail in Chapter 4, harms to one's rational nature are among the worst harms an oppressed person can face. **It is critically important for feminists to have something to say about why harms to women's rational capacities are seriously morally problematic because these harms are among the most egregious problems** that arise from women's oppression. [continues] Kantianism gives us a way to explain what is wrong with these harms. Despite what Kant himself might have thought, we know that women's rational capacities are no different from men's. Thus, we know that **women are just as deserving of respect as men**. And we know that **the respect that women are owed in virtue of their rational capacities is incompatible with the harms to women's rationality that can result from oppression**. **Feminists therefore have good reason to take Kant**ianism seriously **since Kant's work** on rationality **gives us the conceptual tools to make sense of what is wrong with** some of the worst harms of **sexist oppression.** But Kantianism is hardly the only moral framework that has the resources to explain what is wrong with harming women's rational capacities. What then, precisely, is the baby feminists risk throwing out with the Kantian bathwater?88 The baby, I hope it is clear by now, is the Kantian duty of self-respect. **Because Kant provides such a robust account of duties to the self, his account is unparalleled in its ability to fully explain the moral importance of self-respect. We will see next that his account is also unparalleled in its ability to condemn** certain **gendered norms of self-sacrifice.**

# 2NR Frontlines

## Contention F/L

### No Links

#### Freedom’s a property of agency not an additive consequence

#### Hegel 20 – not responsible for consequences

### Intent 1st

#### The intent foresight distinction exists – harms are foreseen if they aren’t intrinsic to the nature of our action.

Quinn Warren S. Quinn “Actions, Intentions, and Consequences: The Doctrine of Double Effect” Philosophy and Public Affairs, Vol. 18, No. 4. (Autumn, 1989), pp. 334-351. <http://links.jstor.org/sici?sici=0048-3915%28198923%2918%3A4%3C334%3AAIACTD%3E2.0.CO%3B2-P> JW

This clear distinction between the intentional structures of the contrasting cases is the key to a new and better formulation of the doctrine. To put things in the most general way, we should say that it distinguishes between agency in which harm comes to some victims, at least in part, from the agent's deliberately involving them in something in order to further his [their] purpose precisely by way of their being so involved (agency in which they figure as intentional objects)16 and harmful agency in which either nothing is in that way intended for the victims or what is so intended does not contribute to their harm.17 Let us call the first kind of agency in the production of harm direct and the second kind indirect. According to this version of the doctrine, we need, ceteris paribus, a stronger case to justify harmful direct agency than to justify equally harmful indirect agency.I8 Put this way, the doctrine solves the original problem of show[s]ing a genuine difference in the intentional structures of our contrasting cases, even under a strict interpretation of what is intended. And it makes no appeal to the problematic notion of "closeness." For direct agency requires neither that harm itself be useful nor that what is useful be causally connected in some especially close way with the harm it helps bring about.19 There is another, related advantage. With this version of the doctrine, we can sidestep all potentially controversial questions about whether the agents in our various cases kill or harm intentionally. It is enough that we can identify the things they uncontroversially intend as contributing to their goal.

### AT: Uniqueness Press

#### 1. Not responsive – even if the world of the NC involves a Kantian violation, it’s net preferable since you have one more Kantian violation in the aff. This isn’t consequentialist, but rather proves the moral status of the aff is bad.

#### 2.

### AT: EP

#### 1. Begs the question of the appropriate means to protect the environment. Nature is a good end, but you can’t enslave someone to protect it because then you aren’t treating anything with value. Prohibiting people from making nuclear energy doesn’t treat them as ends – that’s the contention.

#### 2. Environmental damage is only a consequence

## Framework F/L

### AT: Shmagency

#### 1. Reflecting about whether or not you’re a shmagent makes you an agent because you’re committed to rationally thinking about things so agency is inescapable – that’s Ferrero.

#### 2. Is/ought fallacy – even if we can be shmagents, I’m proving that we ought to be agents.

#### 3. Even if there are reasons that make then unique, they would be conceptually unique, but not different enough to change them to a shmagent. For example people of different races are different but that doesn’t mean normative rules don’t apply to them.

### AT: Tailoring Objection

#### 1. It’s about the reasons intrinsic to your action, not just external parts of your situation. Even if there are contextual elements that affect my situation, if my reasons for action are coercive then it’s still prohibited. This is just semantic games

#### 2. This proves Kantianism could have absurd conclusions in some instances, but they don’t prove why that happens in the instance of the resolution, which means the NC at least works for this topic.

### AT: Bad Action Problem

#### This misunderstands constitutivism – it’s not that every single action is good, but rather that action aims at the general principle of rational reflection which proves we ought to strive to take good actions. I can violate someone’s freedom, but this isn’t good just because it contains the idea of freedom, we must act in a universal sense.

### AT: No A/O Distinction

#### 1. Kant doesn’t depend on act/omission distinction, it depends on the intent/foresight distinction. We can still be culpable for omissions, it just begs the question of whether those omissions intrinsically violate the ends of other agents. Omitting to ban nuclear energy doesn’t intrinsically violate ends so we aren’t responsible.

#### 2. Infinite obligations

### AT Government Doesn’t Have Intent

**1.** Governments are made up with people, each with intent, which means that even if that intent is fragmented, it still exists.

**2.** Intentionality is irrelevant—the mindset of agents doesn’t matter since that would allow me to kill you if you’re standing in front of a cracker. The only way to determine if a principle is moral is to look to the intrinsic features of an action, e.g. some component of actions that are necessary and sufficient for completing the action. This way, contingent empirical factors are irrelevant and only the noumenal, unconditionally rational aspects of action are considered.

**3.** Governments are acting as one unit which means that there’s still one unified intent as a *legislative* body- even if there are different policy-makers which different intents, that doesn’t matter; e.g. we can take actions with fractured intent, e.g. I intend to harm you but also benefit myself.

### AT Genetic Fallacy

**1.** This isn’t a fallacy- if prerequisites are required then those they are more valuable than any end since they precede the achievement of that end.

**2.** Even if this is a fallacy, it would only make sense if the prerequisite is contingent on certain circumstances, but you can *never* have obligations without these prerequisites so logically we would need to value them first since it’s the basis of any obligation. So, saying oxygen is a prerequisite might be fallacious but freedom and wellbeing are not.

**3.** These prerequisites are more important, which just gets back to instrumental versus intrinsic value debate. There’s only instrumental value when there’s some contingent factor- for example a judge is a prerequisite to having a debate round, but that doesn’t mean it’s fallacious to value the judge.

### AT Interests/Needs Are Source of Morality

**1.** Morality is nothing if not a means of guiding the actions of agents. The only starting point for morality that no agent can deny, and no agent can deny that they are an agent, so anything that derives follows logically from conceiving of ones self as an agent must be accepted.

**2.** This is a distinction without a difference. An agent has no reason to value their needs except insomuch as their needs affect their agency. Needs only matter because they are necessary to act. Their argument needs both the criterion for, and substance of morality, which is circular.

### AT Life is Fundamental

**1.** Life is only instrumentally valuable insofar as it allows agents to achieve their purposes. Obviously life isn’t automatically good since some people don’t think life is even worth living.

**2.** Life is not an undeniable basis for morality. Agents can rationally choose to kill, or to end their own life, denying the value of life. However, an agent cannot choose to not act, for in doing so they are forced to act.

**3.** This argument does not alter the conclusions of NC. Life is indeed, the most necessary requirement for action, so it is already the most valuable right within the NC. This however, is not sufficient to prove that in protecting the right to life we ought adopt an aggregative view.

### AT Egoism

**1.** Since we look to the generic features of action, the egoist objection fails since what makes rights generic isn’t the fact that *you* have them but rather that agents possess them, so these rights apply to all agents generally since there’s nothing generic about *you-*ness.

**2.** The NC talks about a generic quality; when we talk about the generic quality, the individual actor is irrelevant to that quality- the application of it can be to me, but can be infinitely applied to everyone with no distinction.

### AT Universalizability Doesn’t Pass Moral Judgment

The argument isn’t that agents claim to have rights, it’s that they must accept that they *do* have rights on pain of contradicting themselves. If they *didn’t* have rights, they would deny their ability to act as purposive agents, so it’s not the claim to rights, it’s their actual possession. Thus, universalizing the statement “I have generic rights” *does* lead to a moral judgment that “Everyone ought to respect each other’s generic rights.”

### AT Some People Don’t Want Freedom/Don’t Care

**1.** People only give up freedom if they think it’s good for whatever ends they choose, so they still have the freedom to make that choice, conceding that freedom is a necessary good.

**2.** Everyone is always *acting* or *prospectively acting*, so because action assumes the freedom to act, it’s contradictory to reject freedom.

**3.** This misses the point. Freedom is inherent to the structure of action itself. Any individual’s contingent beliefs about the “goodness” of freedom are irrelevant. They conflate dialectically necessary with dialectically contingent claims.

**4.** If people give up freedom permanently, they cease to be agents because they don’t act purposively, so it’s still true that as long as agents act for certain ends they value freedom.

### AT Some People Act Contrary to Freedom/Wellbeing

**1.** Just because some people act contrary to their rights does not mean those rights cease to exist. If I choose not to vote that does not mean that my right goes away or that it would not be unjust to bar me from voting.

**2.** People still consider the actions they take to be beneficial OVERALL. For example, eating cheesecake might be objectively unhealthy, but if I eat cheesecake I still believe that it is good according to whatever criteria I adopt, i.e. I might think the good taste is more important than the health risk; otherwise, I wouldn’t take the action.

**3.** When an agent acts in a way that is harmful, they still necessarily judges their freedom to take that action to be good, so from the standpoint of the agent freedom and wellbeing are still necessary goods.

### AT Util is Constitutive

Util isn’t constitutive:

**1.** Pleasure is not inescapable or natural—a) we can just be masochists or not care about pleasure, b) we can enjoy pain, e.g. getting a tattoo, which means that pain isn’t an unconditional bad and therefore can’t be a constitutive anything, c) we can risk our wellbeing for some ulterior end, e.g. skydiving for fun.

**2.** Wellbeing is reliant on experiences, which are impossible to evaluate normatively. Pleasure is just as sensation that our brain tells us we’re having, not something that is normatively or transcendentally true.

**3.** Pleasure and pain aren’t indisputable natural goods—what can be pleasing for me can be painful for you, or I could derive pleasure from your pain, which makes it impossible for experiences to be a stable source of normativity.

### AT Is/Ought Fallacy

**1.** Constitutivism collapses the distinction between is and ought since my entire framework proves why we’re normatively committed to good merely because we act- they have to deny we should act at all to disprove my framework

**2.** We could never put ourselves outside of a constitutive obligation and still be an agent- this means even if there an “is” step, it coopts all the benefits that any framework could prescribe to us so this fallacy is irrelevant.

### AT Good ≠ Ought

**1.** Inescapability—moral theories have to be applicable to the agents and things it tries to obligate; it is impossible to deny the constitutive nature of a thing. If a human is always supposed to act, it would be silly to say a human should never do anything.

**2.** Claims of goodness and obligation aren’t distinct—good is an evaluative term and are thus making a prescription, which is what an “ought” claim is trying to do. Saying an agent should do something automatically implies it would be a good thing to do.

1. Jonathan Adler (Associate Professor, Case Western Reserve University School of Law). “Back to the Future of Conservation: Changing Perceptions of Property Rights & Environmental Protection.” Case Research Paper Series in Legal Studies Working Paper 05-16 July 2005 [↑](#footnote-ref-1)
2. Jonathan Adler (Associate Professor, Case Western Reserve University School of Law). “Back to the Future of Conservation: Changing Perceptions of Property Rights & Environmental Protection.” Case Research Paper Series in Legal Studies Working Paper 05-16 July 2005 [↑](#footnote-ref-2)